

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

CHRISTOPHER CANTWELL

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1:20-cr-6-01-PB
February 25, 2020
10:09 a.m.

CONTINUED TRANSCRIPT OF RECORDED DETENTION HEARING
BEFORE MAGISTRATE JUDGE ANDREA K. JOHNSTONE

Appearances:

For the Government:

Anna Z. Krasinski, AUSA
United States Attorney's Office

For the Defendant:

Eric Wolpin, Esq.
Federal Defender's Office

Probation Officer:

Janice Bernard

1 P R O C E E D I N G S

2 THE CLERK: This court is now in session and
3 has before it for consideration a detention hearing in
4 20-cr-6-01-PB, United States of America vs. Christopher
5 Cantwell.

6 THE COURT: Okay. Good morning.

7 Attorney Wolpin, I did receive the addendum
8 that you filed in this matter and I have reviewed it, so
9 thank you for getting that to me.

10 Did the government have an opportunity to
11 review that before today's proceeding?

12 MS. KRASINSKI: Yes, your Honor. Thank you.

13 THE COURT: Okay. Thank you. Very good.

14 So we had left things last week with a witness
15 having concluded his testimony and it was left also that
16 the government's case would still be open to make any
17 further presentations that it wished to make.

18 Are you calling any additional witnesses?

19 MS. KRASINSKI: No, your Honor.

20 THE COURT: All right. So I'm going to take
21 it then that what you'd like to still do is simply argue
22 through proffers as to your bases for detention.

23 MS. KRASINSKI: Before argument, your Honor, I
24 would like to proffer regarding the nature and
25 circumstances of the underlying offenses.

1 THE COURT: Okay. So before I ask you to do
2 that, I'm just going to turn it over to Attorney Wolpin
3 to ask if he has any witnesses.

4 MR. WOLPIN: No, your Honor.

5 THE COURT: All right.

6 So I will turn it over to the government and
7 then I will give defense counsel an opportunity to make
8 its presentation to the Court.

9 Please proceed.

10 MS. KRASINSKI: As to the nature and
11 circumstances of the offenses, the government proffers
12 that the background of this case involves an online
13 dispute between the defendant and members of a group
14 named Bowl Patrol.

15 Beginning about 2018 and ending, to the best
16 of my knowledge, in about January of 2019, members of
17 Bowl Patrol would prank the defendant's radio show.

18 In February of 2019, the defendant alleged
19 that members of Bowl Patrol were responsible for hacking
20 his website. He believed that the leader of Bowl
21 Patrol, who he knew used an online pseudonym of Vic, and
22 one other Bowl Patrol member were responsible for that
23 hack.

24 And it's important to note that Vic, Victim 1,
25 other members of Bowl Patrol, used pseudonyms when

1 communicating online in this context. And pertinent
2 here, sometimes individuals attempt to "dox" these
3 people using pseudonyms, basically to reveal their
4 personal information to the public over the Internet,
5 you know, in an attempt to expose that person, attempt
6 to ruin their life.

7 So fast forward to June 15th, 2019. On that
8 time -- at that time, Victim 1 briefly entered a chat
9 room on Telegram that included the defendant. The two
10 then began chatting. That conversation continued on
11 June 16th, 2019.

12 During the conversation, the defendant sent
13 the following threat to Victim 1: So if you don't want
14 me to come and F your wife in front of your kids, then
15 you should make yourself scarce; give me Vic; it's your
16 only out; I guess I'm going to have to prove my
17 seriousness.

18 The defendant, in the context of that two-day
19 communication, also made the following additional
20 statements: I bet one of my incel listeners would love
21 to give her another baby.

22 On Tuesday: I'm going to send every episode
23 of Bowlcast, along with your identifying information, to
24 whatever the local equivalent of CPS is in your
25 jurisdiction. This way the information won't be public

1 yet. On Tuesday you should be able to talk your wife
2 and kids -- talk to your wife and kids and get them to
3 all have their stories straight. Get anything
4 incriminating out of the house, but I'm pretty sure that
5 once that visit comes, you'll understand that this is
6 serious. If that doesn't work, I'll escalate until I
7 get what I want. Tell Vic that if he gives himself up,
8 he can save your family.

9 The investigation reveals that the defendant
10 did, in fact, contact Victim 1's local child protective
11 services, although nothing came of that.

12 During that conversation, the defendant also
13 provided Victim 1 with proof that the defendant knew
14 Victim 1's true identity, including providing Victim 1's
15 address and a photograph of Victim 1 and a photograph of
16 Victim 1's family.

17 The defendant was interviewed by law
18 enforcement on multiple occasions. In addition, he
19 emailed law enforcement many times. Not once during any
20 of those conversations or emails did the defendant
21 disclose the full nature of his communications with
22 Victim 1 on June 15th and June 16th of 2019.

23 On October 24th, 2019, the FBI showed the
24 defendant a copy of his exchange with Victim 1 and the
25 defendant confirmed that he sent the messages to

1 Victim 1. He added: I'm a little nervous that I'm
2 being asked about this because, quote, they told him
3 that it was extortion.

4 In an email that the defendant sent to the
5 FBI, he wrote: I threatened to expose his identity if
6 he continued harassing and defaming me and I did expose
7 him after offering him the out of identifying -- of
8 identifying Vic. I also called the CPS office in his
9 area.

10 The defendant also emailed the FBI a copy of a
11 recorded call between himself and a female. In that
12 call, the defendant stated that he had some legal
13 liability for his threat.

14 In his conversations with law enforcement, the
15 defendant stated that he did not have any records of his
16 communications with Victim 1 and that he had deleted
17 those communications.

18 As the Court's aware, a number of the
19 defendant's electronic devices were seized when his home
20 was searched and the examination of his electronic
21 devices shows that he did, in fact, save copies of those
22 communications.

23 Your Honor, would you like argument now or
24 would you like me to wait until the defense has an
25 opportunity to proffer?

1 THE COURT: All right. Why don't we do this.
2 I'm going to allow the defense to proffer and then I'll
3 let you make your arguments and then I'll let the
4 defense respond.

5 Thank you.

6 MS. KRASINSKI: Thank you, your Honor.

7 MR. WOLPIN: May I just have a moment your
8 Honor?

9 THE COURT: Certainly.

10 MR. WOLPIN: Your Honor, I would ask that I be
11 allowed to address the nature and circumstances of the
12 offense within my argument.

13 THE COURT: That's fine.

14 MR. WOLPIN: I think from a context
15 perspective, it will make more sense.

16 THE COURT: That's fine. Very good.
17 You can proceed.

18 MS. KRASINSKI: Your Honor, to justify
19 detention, the government has to demonstrate by clear
20 and convincing evidence that the -- that the defendant
21 was a danger to the community or by a preponderance of
22 evidence that he poses a risk of flight or obstruction
23 of justice.

24 Here, the proffer and the testimony
25 demonstrates both.

1 As it relates to danger to the community, the
2 nature and circumstances of the offense charged you've
3 heard a bit about today. A grand jury found probable
4 cause to believe that the defendant's statements
5 constituted an interstate threatening communication and
6 an extortionate interstate communication, both of which
7 are crimes of violence by statute.

8 The conduct, essentially, is a threat to
9 commit a rape. And it also commits -- or includes a
10 second thinly valid threat to have one of the
11 defendant's incel listeners also commit a rape.

12 And I think that bears emphasis. The
13 defendant appears aware of his ability to influence
14 other people. I think that makes his statements all the
15 more serious, because any victim doesn't know if -- if
16 it's the defendant that's going to carry out a threat or
17 if it's one of his listeners that he has the ability to
18 influence is going to carry out a threat.

19 As it relates to the weight of the evidence,
20 it includes those threatening communications, the
21 defendant's statements about those communications,
22 admitting to sending them, and his lie to law
23 enforcement about whether or not he retained evidence of
24 those communications.

25 As it relates to his history and

1 characteristics, he has a long history of substance
2 abuse, alcohol, heroin, cocaine, crack, methamphetamine,
3 PCP, steroids.

4 The Court has heard a lot that demonstrates
5 that the defendant is essentially volatile. He makes
6 decisions that are unsafe or dangerous and it includes,
7 for example, storing a pistol in an unlocked container
8 underneath his car that's parked across the street from
9 a school. Anyone could reach their hand under that car
10 and access that firearm. It wasn't locked. All the
11 components were there. There was ammunition there.

12 Evidence of that includes his Joker post. He
13 was essentially attempting to exploit fear around mass
14 shootings at the Joker movie. Why else would he post
15 about having a gun, taking a gun, into the movie? He's
16 aware that there's fear of mass shootings during the
17 movie. He may have said that he intended it as an edgy
18 joke, as a publicity stunt, but it could have ended very
19 badly.

20 He has a strong association with firearms, 17
21 total firearms found during the search of his home and
22 his vehicle. And when the defendant traveled to
23 Charlottesville in 2017, he took a number of firearms
24 with him, including an AR-style firearm, a knife, pepper
25 spray.

1 I know there was discussion on Thursday about
2 that he's not legally prohibited from possessing those
3 by virtue of a felony conviction. And that's true. But
4 I would say it's certainly at least questionable as to
5 whether or not he's prohibited from possessing them
6 under 18 U.S.C. 922(g)(3) as an unlawful user of illegal
7 substances.

8 In the bond report, he talks about using
9 Ecstasy three times a month from when he was 2000 -- or
10 from when he was 17 to 2018. So in August of 2017, when
11 he took those firearms to Charlottesville, he was
12 certainly an unlawful user of Ecstasy.

13 And now, during the search of his home,
14 investigators found vials of clear liquids, bags of
15 unlabeled pills. It's questionable what those are.
16 They're being tested. While he may not have a prior
17 felony conviction, I'm not certain his possession of
18 those firearms is legal.

19 His criminal history includes a conviction for
20 violating his bond condition -- conditions and while
21 it's one conviction for that, the evidence -- and,
22 particularly, the attachments to the government's motion
23 to detain -- demonstrate repeated bond violations. He
24 violated his bond conditions by committing a new law
25 violation, and that was the public swearing and

1 intoxication, and it's worth noting that the initial
2 bond conditions prohibited him from consuming illegal
3 drugs or alcohol.

4 He was also on home electronic monitoring at
5 the time, so that condition didn't serve to deter him.

6 Next he violated those conditions by
7 repeatedly engaging in online conduct intending to
8 intimidate victims in that case. Again, conditions like
9 electronic monitoring, home confinement, wouldn't
10 address that in this case.

11 Essentially, he committed three types of bond
12 violations; excessive drinking, he wasn't home despite
13 home confinement, and that online harassment.

14 His history and characteristics also include
15 engaging in violence. This is demonstrated by his
16 activities in Charlottesville, dispensing pepper spray
17 into a counterprotester's face. And he pled guilty to
18 that. There's no question about that.

19 He has engaged in continued online harassment
20 of other individuals -- the Court saw online posts about
21 that -- attempting to harass journalists, an attorney
22 representing individuals suing the defendant in a civil
23 matter. He has no qualms to using that platform to
24 engage in further threats.

25 And he uses -- despite doing many things

1 publicly, he also uses a lot of platforms designed to
2 conceal what he's doing.

3 Telegram, the application that he used to send
4 the messages in this case, is essentially concealed
5 communications. He uses Bitcoin for his finances.

6 And I agree none of those things are illegal,
7 but they're certainly something the Court can consider
8 in determining whether he's likely to comply with
9 conditions of release and whether or not there are
10 conditions that would allow probation to adequately
11 monitor him. If -- if he's not disclosing his reliance
12 on cyber currency, if he's using applications that are
13 designed to conceal what he's doing, probation can't
14 effectively -- cannot effectively monitor that.

15 Now, as it relates to his risk of flight, he
16 has limited ties to the area. He grew up in New York.
17 His mom still resides there. His on-and-off-again
18 relationship is with someone who lives in Maryland. So
19 he does not have significant ties to New Hampshire.

20 He lacks steady and gainful employment. He
21 appears to have last held a regular job in 2013. He
22 does say he earns approximately \$2,000 a month from his
23 four companies, but it's not clear whether this is from
24 actually selling merchandise or just -- or advertising
25 rights or if it's just him asking for donations.

1 And it's concerning to the government that
2 while he did disclose to probation the checking accounts
3 associated with those companies that he doesn't appear
4 to have disclosed anything to probation about his
5 financial holdings and use of cryptocurrency. He didn't
6 disclose that.

7 I also -- you know, the government doesn't
8 have access to it, but I certainly think the Court can
9 consider in determining whether or not the defendant is
10 likely going to comply with it -- any of the Court's
11 orders whether or not he disclosed that on his financial
12 affidavit. And, you know, since the government doesn't
13 have access to it, I don't know.

14 But I think the most significant factor as it
15 relates to the risk of flight is the fact that after
16 Charlottesville, he was aware at least as early as
17 August 16th of 2017 when he spoke to Special Agent
18 Christiana that there was a warrant for his arrest. He
19 was told to turn himself in to the closest police
20 department. He didn't do so. He refused to tell Agent
21 Christiana where he was other than generally what state
22 he was in and he waited until August 23rd, 2017, to turn
23 himself in. That delay is a strong indicator that the
24 defendant is a risk of flight.

25 Based on everything the Court has seen and

1 heard, his -- his history of threatening communications,
2 his ability to incite others to act, his criminal
3 history, his repeated violation of bond conditions,
4 those demonstrate that the defendant poses a danger to
5 the community if released.

6 And his lack of family ties to the area, his
7 lack of steady and gainful employment, his delay in
8 turning himself in despite knowledge of a warrant -- of
9 a warrant demonstrate by preponderance of the evidence
10 that the defendant is a risk of flight.

11 May I have one moment, your Honor?

12 THE COURT: Yes you may.

13 MS. KRASINSKI: Thank you, your Honor.

14 THE COURT: Okay. Attorney Wolpin.

15 MR. WOLPIN: Yes, thank you.

16 Chris is not a danger or a flight risk and we
17 believe there are conditions this Court can set to
18 assure his appearance and safety of the community. This
19 Court has at its discretion through probation quite a
20 few possibilities for that, most of which or all of
21 which we're going to be agreeable.

22 So we're going to suggest that the Court place
23 a drug and alcohol testing obligation on Chris; that the
24 Court allow for the probation officer to order him to
25 participate in counseling; that he be required to reside

1 at the same address he's been living at now for a couple
2 years and which has been confirmed through myself and
3 probation as a continuing option for him; a condition
4 that he not have any firearms, which, considering
5 they're now in the possession of the FBI, becomes
6 something that is unavailable to him without going out
7 and actively seeking firearms; a requirement that he be
8 supervised; a requirement that he not be on any social
9 media platform, whether that be Telegram, Gab, Facebook,
10 Twitter, whatever social media platform is available;
11 and the requirement that he be electronically monitored.

12 The Court, again, has at its discretion a
13 number of these options. There may even be more. But
14 those allow the Court to guarantee the safety of the
15 community and his appearance.

16 Setting forth the legal framework of this
17 hearing, there is a rebuttal of presumption as it
18 relates to detention and the defendant has an obligation
19 to present some evidence.

20 As the First Circuit has recognized in the
21 *Jessup* case, basically, a defendant can basically always
22 meet that burden and certainly we would assert we have
23 met that burden throughout, as we presented from his
24 prior monitor as well as background information
25 regarding his stability and connection to the Keene

1 community.

2 That means that presumption becomes just one
3 of many considerations when the Court is considering
4 release and it still does not alleviate the government
5 of its burden to prove by preponderance and by clear and
6 convincing evidence.

7 I'd like to start by addressing Chris's
8 personal history and characteristics.

9 Chris has now been living in the Keene area
10 for most of the last seven years. He's had the same
11 apartment for the last two -- excuse me, six years, not
12 seven, six -- and has had the same apartment for the
13 last two years. Both myself --

14 THE DEFENDANT: Six years I've been in this
15 apartment.

16 MR. WOLPIN: In this apartment?

17 THE DEFENDANT: Yeah.

18 MR. WOLPIN: All right. I guess I had the
19 shorter end of that. Even longer in that apartment.

20 But he has been a good tenant. I have spoken
21 with his landlord. Probation has spoken with his
22 landlord. He's agreed that he's been unobtrusive, been
23 a good tenant, someone that's been reliable and has that
24 opportunity to return to that same address, which is
25 something that probation is aware of.

1 Although there is a certain public narrative
2 about Chris and his opinions, while he's been in Keene
3 he's worked incredibly hard to keep a strong and
4 respectful relationship with the Keene Police
5 Department. I submitted to the Court one example of
6 that through his email to the sergeant and I made
7 reference at least with the officer who testified about
8 another contact he had with the Keene Police Department.

9 In June he had contact with the police
10 department by email and he explained that he'd be happy
11 to permit you or anyone under your command to enter my
12 apartment; I would even gladly provide you a key to my
13 entrance, provided we all agree that use of that key
14 without my permission is no different than kicking down
15 my door.

16 So he's someone who has reached out to Keene
17 PD, has offered up his key, has offered up his
18 cooperation with them while living in Keene.

19 We see that same attitude and intent in his
20 email that was submitted as an exhibit to this Court in
21 relation to the Joker situation, where, A, he apologized
22 for that, said, I realize I went too far, I am sorry, I
23 promise to learn from my mistake.

24 He expressed to them that there was a time in
25 his life where he was antagonistic towards police, but

1 that time was no longer, that he appreciated their
2 professionalism, that he appreciated how they treated
3 him. And through that officer's testimony, although not
4 there, we know that in relation to that event, he did
5 not resist, he was not noncompliant, and he was
6 absolutely to issue in relation to the Keene Police
7 Department.

8 We see the same thing in relation to the
9 search of his home that happened just in the last couple
10 months where the officer, among quite a few others, went
11 to his home, conducted a search of his home. Chris
12 didn't resist. Chris didn't cause any issues at all.
13 He was arrested without problem.

14 As I will discuss, this is consistent with his
15 behavior in this case. So when we get to the
16 circumstances and nature of this case, he was, despite
17 what the government has said, highly cooperative with
18 the FBI and with the Keene Police Department.

19 As to the Charlottesville situation, which the
20 government has referenced and presented evidence about,
21 ultimately, that was the third rally, to my
22 understanding, my client was attending. The first two,
23 there were no issues at all; no violence, no arguments,
24 nothing of that type.

25 As submitted in the addendum, Charlottesville

1 went horribly, in large part, according to the
2 independent evaluator, because of the failure of the
3 city and the police to adequately address two different
4 sides of a charged issue.

5 Now, as the Court can see through what we
6 submitted, Chris demanded that he would only participate
7 if the police were involved; that he wasn't interested
8 in being in a situation where violence might erupt and
9 the police were not there; that he, in fact, demanded
10 that those who were organizing call the police and
11 inform them of their plans.

12 As noted throughout that much more objective
13 recitation of how Charlottesville occurred that there
14 were efforts on people like Chris's part not to
15 participate in violence, that when Chris appeared at the
16 UVA green, that it was, to my understanding, a gun-free
17 zone and he did not have a gun. So he abided by
18 obligation not to have one there.

19 The issue ultimately with the mace, which is
20 something that as well, from my understanding, happened
21 to Chris, that he received also pepper spray in relation
22 to his involvement in the protest, that that led to two
23 misdemeanor convictions which, as the Court has seen in
24 the attachment, are quite unspecific as to what actually
25 was the nature of the conduct.

1 Since then, to my knowledge, Chris has not
2 attended any other such rallies, has not been involved
3 in any physical protests or demonstrations and, thus,
4 this sort of isolated incident, which is not consistent
5 with either the history of prior protests or the history
6 since, I don't think lends itself to a conclusion that
7 he is violent of character because of what happened in
8 Charlottesville.

9 Addressing next that my client does have some
10 experience with computers, has held jobs in computer
11 fields. The police now have his computers; it's my
12 understanding, all of them. To the extent that the
13 Court is concerned about his access to computers or
14 websites, he can be limited to a single computer. That
15 computer can be monitored by probation. He can be
16 excluded from websites like Telegram, if that is a
17 concern from the Court. And so there are manners in
18 which that can be addressed without detaining him and
19 removing him from his liberty.

20 As to the situation with turning himself in,
21 he turned himself in in relation to Charlottesville. My
22 understanding of what occurred is he was taking phone
23 calls from the FBI as they contacted him, as is
24 evidenced through the testimony of the officer, but
25 ultimately my client wanted to have a lawyer when he

1 addressed this issue, worked towards getting a lawyer,
2 and once he was comfortable with that, he turned himself
3 in without violence or without issue. I don't think
4 that the turning yourself in should become essentially a
5 weapon against the person indicating in the future we
6 should assume your noncompliance of bail conditions. In
7 fact, I think it's evidence of the opposite.

8 As to some of the issues that occurred while
9 on bail, that is -- some are repudiated by the
10 submission from his supervising bracelet monitor who
11 indicated that he was -- made strong efforts to be
12 compliant; that, in fact, when this issue arose with
13 alcohol, which we've acknowledged -- will acknowledge is
14 an issue, which he will have drug testing and alcohol
15 testing for, which if the Court requires counseling, he
16 will attend -- was something that occurred one night,
17 didn't occur again, that he was then placed on another
18 type of monitor which addressed that issue and that
19 issue did not return.

20 The balance of the violation relates to issues
21 between him and other people involved in the case. For
22 reasons I'm going to discuss when discussing the nature
23 and circumstances of this case, I don't think the Court
24 needs to have such similar concerns between Chris and
25 the individual involved in our present case.

1 Although there is some history of substance
2 use which Chris has admitted and acknowledged, it's not
3 an active addiction at this time. I think he's
4 acknowledged that alcohol may be a problem that he
5 should address and is willing to address, but this is
6 not someone where heroin, methamphetamine, were found in
7 his apartment. And I think the Court can address any
8 prior substance abuse issue through counseling and
9 testing requirements.

10 I do think it's important for the Court to
11 understand some things about the nature and
12 circumstances of this offense, as the statute demands.
13 That context is important and for arguments I'm going to
14 make, this offense doesn't indicate the public or even
15 the alleged victim in this case is ever asked.

16 These allegations surround a chat over an app
17 from June of 2019, meaning the allegations are at this
18 point eight months old. Although the government has
19 contended that Chris was not all that cooperative with
20 police, we know that Chris provided information to the
21 Keene Police Department, including emails to them of the
22 photographs that the government has referenced,
23 indicating that here, here are the photographs that have
24 become part of the government's case about which we're
25 here for; that he met with the FBI to explain to them

1 what was going on, twice, voluntarily, without
2 resistance, without a lawyer, without refusal.

3 What I've heard is no information that the
4 government has presented that Chris has contacted this
5 other person in the last eight months. So we have an
6 allegation from June. We have no, to my understanding,
7 further contact. There's effort by the other individual
8 to contact Chris, I believe, but not the other way
9 around.

10 Now, the types of things said both by Chris
11 and by the other individual involved in this case are
12 not particularly pleasant. We concede that.

13 If I can just approach and see the exhibit
14 that we presented? It's marked as Exhibit A.

15 So as the government has discussed, the other
16 side of this conversation was someone who was affiliated
17 with a group called the Bowlcast. What is before the
18 Court is the Bowlcast Telegram still from their Telegram
19 site which is public and, in particular, a reference to
20 one of their podcasts, which discusses the following.
21 Their synopsis of their own production is: The Bowlcast
22 returns to answer the big question, discuss the American
23 addiction to nigger ball, disseminate hard truths about
24 kikes' aversion of the CSA and support our valiant
25 school shooters.

1 This group began harassing Chris over and over
2 and over again. Chris, when he receives harassment or
3 death threats, has presented them in the past to the
4 police department. We have, for example, from May, an
5 email he sent to Keene PD explaining the threat that
6 he'd gotten, providing that threat to the police
7 department, and explaining what it was all about.

8 In relation to the harassment he was receiving
9 over the Internet, he himself submitted to the federal
10 authorities months before a complaint explaining to them
11 the issue that was going on.

12 So we have a complaint from February of 2019
13 entitled Complaint Referral Form for Internet Crime
14 Complaint Center. Chris explains that his website was
15 being defaced. He complained about the Bowl Patrol,
16 talked about this person named Vic, explained that they
17 had had constant spam and harassment of me for months,
18 even as I distanced myself from the group in the wake of
19 the Pittsburgh synagogue shooting.

20 So Chris went to federal authorities, asked
21 them to help. Chris then, after making the complaint to
22 the federal government, posted online: Today I
23 submitted a criminal complaint to the FBI naming this
24 Vic individual and another person for defacing my
25 website last night.

1 So he wasn't hiding it. He wasn't even
2 thinking about it. He was attempting to engage the
3 other side of the aisle in helping him deal with the
4 fact that he receives a certain degree of harassment.
5 This chat occurred in that framework.

6 The other party, from everything I've been
7 provided, did not go to the police with this information
8 or express concern for his safety to any law enforcement
9 authority. Instead what this person did was have that
10 interaction posted online, on the Bowlcast Telegram
11 site, or had someone else do it for him. He then,
12 within days, made another public post in which he
13 exclaimed that Chris was quote, a fed snitch nigger
14 kike, among other things. This was, unfortunately,
15 relatively par for the course of the Internet discourse
16 on the Bowlcast Telegram site.

17 So there is a legitimate question of whether
18 this was someone who was truly afraid of Chris, who was,
19 I don't know, thousands or however many miles away.
20 Everyone knows where Chris lives. Chris's home address
21 is quite popularly known. This individual certainly
22 knew that Chris lived in New Hampshire and this person
23 does not live in this area.

24 Now, the government was aware of these
25 communications. I can't quite glean from discovery

1 exactly when, but I know in their conversations with
2 Chris this was coming up, so we're in the fall of last
3 year. They didn't at that point feel compelled by
4 public safety to file a complaint in September or
5 October, November, or December. They waited to get
6 their indictment. They were able to do so because this
7 individual was not in any risk. Again, there's been no
8 evidence presented that Chris has been in touch with
9 this other party at all in the meantime, even though
10 it's clear from the evidence the Court has heard that he
11 was aware of this person's address.

12 And, thus, as far as the nature and
13 circumstances of this offense that brings us to today,
14 because as far as I can tell from discovery, there are
15 no follow-throughs, there's no effort on Chris to
16 continue a dispute with this individual, and this person
17 had their say in a long spree following which in which
18 they called Chris many slurs and names.

19 So the Court is then left with the question
20 based on the nature and circumstances of this offense
21 and his background whether it can set conditions of
22 release to assure safety and appearance.

23 As the Court is certainly well aware of the
24 supreme court quote in *Salerno*, in our society, "Liberty
25 is the norm and detention prior to trial or without

1 trial, is the carefully limited exception. Liberty is
2 the norm."

3 The Court can set conditions. Chris will be
4 challenged to abide by them, will be required to abide
5 by them. If he fails to do so, he can be arrested, he
6 can be detained, he can be charged.

7 With the availability of supervision, the
8 availability of the Court to limit Internet access --
9 and, again, the -- the physical, true, in-person aspect
10 of his history are really limited to Charlottesville.
11 And when you look at what we submitted in relation to
12 Charlottesville, that doesn't express an overriding or
13 constant danger to the community.

14 And so for those reasons, we would argue the
15 Court can set conditions and the government has not met
16 its burden of proving that he's not a danger or flight
17 risk.

18 May I just have a moment?

19 THE COURT: Yes, of course.

20 Anything further, Attorney Wolpin?

21 MR. WOLPIN: Just to address his -- the
22 government made some indication or assertion that maybe
23 Chris wasn't honest about his finances.

24 Chris doesn't have a lot of money, whether it
25 be crypto or regular. I know at least from the

1 discovery I've been provided they've gotten access to
2 his bank accounts, they've gotten access to quite a lot
3 of his financial history. And I don't think that there
4 is some cache of significant money that he's not
5 disclosing to this Court. I mean, he is in fear that
6 he's not going to be able to make the next rent payment
7 if he's not released today to keep his stuff. So this
8 isn't, again, someone who has a -- a crypto sort of
9 stash that is being hidden from the Court.

10 And to the extent, again, the Court is going
11 to put a condition that allows for monitoring of his
12 access to websites, that would allow for some
13 observation of that.

14 And, again, I can't speak in great detail,
15 because I haven't had the chance to look at it in great
16 detail, but I have received discovery indicating
17 Bitcoin-type transactions from Bit things and Bit -- I
18 mean, again, there are dozens of holders in relation to
19 his -- his records and history, but it does appear that
20 the government has at least been able to obtain through
21 some of these services some actual information as to
22 context. But as far as him being untruthful with the
23 Court because he has money stored elsewhere, that is not
24 true.

25 THE COURT: Okay. Thank you. Anything

1 further from the government?

2 MS. KRASINSKI: I'd just like to briefly
3 respond, your Honor.

4 Let's start with the last point. It's not
5 about how much money he has. That's not what the
6 government's arguing. The government's bringing up his
7 use and reliance on cryptocurrency as it relates to
8 whether or not he's being candid with the Court and
9 probation, which I think is something the Court can
10 consider in determining whether or not he is likely to
11 comply with conditions that the Court will set.

12 As it relates to the defendant's perceived
13 cooperation with law enforcement, at -- he's cooperative
14 to a point, to the point where he wants to be. He seems
15 to try to create this public persona that he can rely
16 on, saying that, yes, I -- I provide information to law
17 enforcement. Ands he does provide some information to
18 law enforcement. But he only does that to a point. He
19 conceals everything else that he wants to.

20 So, yes, he certainly provided some
21 information to the FBI. He certainly provided a glowing
22 email to the Keene Police Department after this Joker
23 incident. But he doesn't reveal everything. He's not
24 candid about everything. And this lack of candor is
25 something, again, the Court can consider in whether or

1 not he's going to comply with conditions the Court will
2 set or be candid with probation.

3 As it relates to Charlottesville, regardless
4 of whether or not he requested law enforcement
5 present -- presence, there is no dispute that there he
6 engaged in conduct that was criminal. He pled guilty to
7 the illegal use of gas and to assault and battery.

8 Also, I -- I think it's worth noting that even
9 in the report that the defendant submitted in his
10 addendum, it -- it points out -- and then I'll just
11 read: Chris Cantwell recalled that he was instructed to
12 join other guards on the outside of the line. The
13 guards were selected for their willingness to get
14 physical with Antifa.

15 His willingness to get physical -- his history
16 and characteristics include a willingness to get
17 physical even by the groups and individuals that he
18 wants to associate with him -- with. They knew him as
19 someone who was willing to get physical. I think that
20 suggests a danger to the community.

21 As it relates to the nature and circumstances
22 of this offense, when the defendant reported that people
23 had defamed his website, Vic and another person,
24 Victim 1 is not a person that the defendant believed to
25 have hacked and defamed his website. Victim 1 is a

1 person the defendant believed knew the personal
2 identifying information of one of those people.

3 So he didn't -- the defendant didn't directly
4 go after Vic. He did it in a circular way. He went
5 after Victim 1 because of Victim 1's association with
6 Vic, who he believed hacked the defendant's website.

7 And, yes, the N word became -- are slurs that
8 are commonplace on these online chat groups that both
9 Victim 1 and the defendant frequent, but I proffer that
10 rape threats are not.

11 Also, I just want to note that I am not aware
12 of any evidence presented here that Victim 1 has
13 continued to attempt to contact the defendant.

14 Finally, sort of turning a bit again to risk
15 of flight, it's not the fact that the defendant
16 ultimately turned himself in; it's the week-long delay,
17 it's the fact that he hesitated, it's that delay that's
18 the weapon regarding risk of flight.

19 And while the defendant has suggested that the
20 Court has a number of tools that could ensure that he'll
21 appear at court and ensure the safety of the community,
22 including electronic monitoring, including orders
23 regarding what websites he can use and regarding
24 monitoring of his electronic devices, the Commonwealth
25 of Virginia had many similar tools in its toolbox, used

1 those tools, and the defendant violated them anyway.
2 His history of violating bond conditions demonstrates
3 that he's not likely to abide by any here.

4 May I have one moment, your Honor?

5 THE COURT: Certainly.

6 MS. KRASINSKI: Thank you, your Honor.
7 Nothing further.

8 THE COURT: Okay. Attorney Wolpin, anything
9 further?

10 MR. WOLPIN: Just very briefly.

11 I understand the minimizing of Chris's
12 cooperation, but I don't think that's quite fair. This
13 is, again, someone who has brought this repeatedly to
14 their attention. He has shown up without lawyers to
15 speak with them. He has provided them, again,
16 photographs that are evidence in relation to this
17 offense.

18 So this is someone who has made an effort to
19 be up front with law enforcement about this situation.
20 This chat was ultimately posted online. It wasn't
21 something we needed to obtain from Chris to have access
22 to because the whole conversation is available to anyone
23 who wants to go get it online with certain profane
24 pictures of Chris sort of blocking out certain pictures
25 that they put over him, but ultimately the content is

1 available.

2 I think that it is -- as to the individual
3 involved, we've sort of made effort not to identify that
4 person. I think what the government is saying is this
5 is someone who's quite tangential to this activity of --
6 of contact. There's some indication in our discovery
7 that there were dozens upon dozens of calls by this
8 person in to Chris. This person is not someone who's
9 tangentially related to the Bowlcast group. This is
10 someone who is actively involved over and over again and
11 this is a group that dedicates itself to mass murder.

12 Chris attempted to distance himself from that.
13 As some of what the government has submitted as to his
14 past or his past posts, he has made calls not for people
15 to engage in mass violence and said that was not to the
16 benefit of his sort of political interests as opposed to
17 a group that made that the centerpiece of who they were.

18 As to his delay in appearing, I don't hear
19 anything from the Court that -- or from the government
20 that he failed to appear for court hearings that he had
21 in Charlottesville. I presume he had a number,
22 including bail revocation hearings, and he appeared
23 to -- as far as I understand, at those hearings.

24 I think it's a dangerous approach to say that
25 someone who seeks out an attorney to turn themself in

1 and then does so is sort of doing something nefarious in
2 making that effort, when they ultimately did turn
3 themselves in without issue and without requiring any kind
4 of involvement of police other than him showing up at
5 the door of a police station.

6 As to Charlottesville, I'm not going to rehash
7 that. His convictions were for the sort of unspecified
8 assault and battery, not for the pepper spray. It's a
9 little unclear what they are about. I think the Court
10 can take the totality of the addendum to see what
11 Chris's perspective was and I think the Court can see
12 that in the meantime, there has been no attendance at
13 similar rallies and no repeat of that issue.

14 Other than that, his criminal history is not
15 replete with other instances of physical violence and
16 other than, if my memory serves, a DWI from a number of
17 years ago, really since 19 years old, there hasn't been
18 significant criminal record or significant instances of
19 physical violence.

20 I think if the Court restricts access to
21 social media, that takes care of the kind of conduct
22 alleged here. The back-and-forth, the sparring,
23 unfortunately, has been common on the Internet and has
24 become common with Chris, sometimes going in both
25 directions, including, again, a number of threats on his

1 life that come his way on, unfortunately, a routine
2 basis.

3 So if the Court restricts that access, I think
4 the Court can be assured of safety. Again, this other
5 individual is distant, there's been no effort at
6 retaliation or harm in the matter of months that have
7 gone on since then, and we would argue that that allows
8 for the safety of the community to be protected.

9 THE COURT: Anything further from the
10 government?

11 MS. KRASINSKI: No, your Honor. Thank you.

12 THE COURT: Okay. Attorney Wolpin, would you
13 like a few minutes to consult with your client to see if
14 there's anything further you'd like to present?

15 MR. WOLPIN: We're all set.

16 Thank you, your Honor.

17 THE COURT: Okay. Very good. The Court is
18 going to take this matter under advisement and will
19 issue a written ruling.

20 In the interim, Mr. Cantwell, you will
21 continue to be detained. Okay? Thank you.

22 MS. KRASINSKI: Your Honor --

23 THE COURT: Yes.

24 MS. KRASINSKI: -- may I make one brief
25 request?

1 Government's Exhibits 11, 12, and 14, may I
2 ask -- move that the unredacted versions of those be
3 sealed and we will provide the clerk's office with
4 versions that redact personal information?

5 MR. WOLPIN: We have no objection. And I also
6 submitted a redacted version of C. So in our version,
7 C-1 would remain sealed and C-2 would have the
8 redacted --

9 THE COURT: Okay.

10 MR. WOLPIN: -- information.

11 THE COURT: So here's what I'm going to ask
12 counsel to do.

13 After the courtroom clears out, before you
14 leave, will you please just coordinate with my deputy
15 clerk, just to make sure that it's clear which documents
16 you'll be sealing and which ones you'll be providing
17 additional redacted versions of?

18 MS. KRASINSKI: Yes, your Honor.

19 THE COURT: Thank you.

20 MR. WOLPIN: Yes.

21 THE COURT: I appreciate it. Thank you.

22 (Proceedings concluded at 11:00 a.m.)
23
24
25

C E R T I F I C A T E

I, Liza W. Dubois, do hereby certify that
the foregoing transcript is true and accurate to the
best of my ability and belief.

Submitted: 3/25/2020

/s/ Liza W. Dubois
LIZA W. DUBOIS, RMR, CRR